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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,842

01/28/2005

Zheng Lu

LCS-103/PCT/US

1886

31217 7590 06/25/2009

LOCTITE CORPORATION  
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ROCKY HILL, CT 06067

EXAMINER

PENG, KUO LIANG

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

06/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,842	<b>Applicant(s)</b> LU ET AL.	
	<b>Examiner</b> Kuo-Liang Peng	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/29/09 RCE.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,6,9,12,21,23,38-43,52 and 55-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 56 is/are allowed.
- 6) ☒ Claim(s) 1,6,9,12,21,23,38,40-43,52,54,55 and 57-59 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/29/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed May 29, 2009 has been entered. Claims 1, 54, 56, 57 and 59 are amended. Claims 2-5, 7-8, 10-11, 13-20, 22, 24-37, 44-51 and 53 are deleted. Now, Claims 1, 6, 9, 12, 21, 23, 38-43, 52 and 54-59 are pending.

2. Claim objection(s) in the previous Office Action (Paper No. 20090314) is/are removed.

3. Claim rejection(s) under 35 USC 112, first and second paragraphs, in the previous Office Action (Paper No. 20090314) is/are removed.

4. Claim rejection(s) under 35 USC 102 and 103 in the previous Office Action (Paper No. 20090314) is/are removed.

5. The text of those sections of Title 35, U.S. code not included in this action can be found in prior Office Action(s).

***Claim Objections***

6. Claims 1, 6, 9, 12, 21, 23, 38-43, 52 and 54-55 are objected to because of the following informalities:

In Claim 1 (last line), should “the thickening agent” be removed because it is redundant.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. Claims 54 and 57-59 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In Claims 54 (line 2) and 57 (page 7, line 3), Examiner is not able to find the basis for “0 to 1 percent by weight” (Emphasis added)

For Applicants’ argument (Remarks, page 10), specification ([0034]) and Table 3 do not provide the support for the point of 1 percent by weight.

***Claim Rejections - 35 USC § 102 and 103***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 6, 9, 12, 21, 23, 38, 40-41, 43, 52 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Oberneder (US 5 985 994) as evidenced by Silicones (Freeman, London-Iliffe Books, Ltd. (1962))

Oberneder discloses an aqueous dispersion having a pH of about 10 in comparison Example 1b), where a base of 2-aminoethanol and a hydroxyl end-capped polydimethylsiloxane having a viscosity of 80,000 mm<sup>2</sup>/s (cs) are employed. Notably, the chalk can function as a thickening agent. In addition, Freeman teaches the relationship between number of repeating units (n) and the viscosity ( $\eta$ , in cs) of a typical polydimethylsiloxane can be represented by the equation

$$\text{Log } \eta = 0.1 n^{1/2} + 1.1 \quad (\text{page 27}).$$

As such, the foregoing polydimethylsiloxane can have about 1,450 repeating units.

10. Claims 42, 55, 57 and 59 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Oberneder as evidenced by Silicones.

Oberneder discloses an aqueous dispersion, *supra*, which is incorporated herein by reference. Since the reference discloses all the limitations of a claim except a property or function, and the examiner cannot determine whether or not the reference inherently possesses properties which anticipate or render obvious the claimed invention but has basis for shifting the burden of proof to applicant as in *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980).

11. Claims 39 and 58 would be allowable if rewritten to overcome the claim objection and/or the rejection under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

None of above references teaches or fairly suggests the claimed mold release composition having the specific amounts of ingredients.

*Allowable Subject Matter*

12. Claim 56 is allowed.

None of above references teaches or fairly suggests the claimed mold release composition having the specific amounts of ingredients.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck, can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp  
June 19, 2009

/Kuo-Liang Peng/  
Primary Examiner, Art Unit 1796